

**THE UNIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) RANDY BLAKE PATTERSON,)

Plaintiff,)

v.)

Case No. CIV-2015-1204-HE

(1) NATIONAL BOARD OF MEDICAL)
EXAMINERS,)

Defendant.)

**DEFENDANT'S NOTICE OF INTENTION TO
REQUEST PRODUCTION OF DOCUMENTS FROM
THE UNIVERSITY OF OKLAHOMA HEALTH SCIENCES CENTER**

Pursuant to Fed.R.Civ.P. 45 and L.Cv.R. 45.1(a), Defendant, National Board of Medical Examiners ("NBME"), hereby gives Notice of its intent to serve the attached Subpoena, requesting the production of documents, on The University of Oklahoma Health Sciences Center, 1100 N. Lindsay, Oklahoma City, OK, 73104.

DATE: May 3, 2016

Respectfully Submitted,

/s/ Jack S. Dawson

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Attorneys for Defendant,
National Board of Medical Examiners

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based upon the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Steven E. Clark, OBA No. 1712
Heather Mitchell, OBA No. 14035
CLARK & MITCHELL, P.C.
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Oklahoma City, OK 73102
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/s/ Jack S. Dawson

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

RANDY BLAKE PATTERSON

Plaintiff

v.

NATIONAL BOARD OF MEDICAL EXAMINERS

Defendant

Civil Action No. CIV-2015-1204-HE

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

THE UNIVERSITY OF OKLAHOMA HEALTH SCIENCES CENTER
1100 N. Lindsay, Oklahoma City, OK 73104*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

SEE EXHIBIT A, attached hereto and incorporated herein by reference

Place: MILLER DOLLARHIDE, P.C., 210 Park Avenue, Suite
2550, Oklahoma City, OK 73102
OR to the below email addresses

Date and Time:

05/24/2016 by 3 p.m.

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/03/2016

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk**Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

EXHIBIT A

I. Instructions and Definitions

1. The terms “OUHSC”, “you”, and “your” shall mean the University of Oklahoma Health Sciences Center, including but not limited to University of Oklahoma College of Medicine, University of Oklahoma College of Dentistry, and University of Oklahoma College of Public Health, and any of their agents, representatives, employees and/or assigns.
2. The term “Dr. Patterson” shall refer to Randy Blake Patterson.
3. The terms “and” and “or” shall each refer to “and/or,” whichever use makes the request most inclusive.
4. The term “communication” shall mean any transmission of information from one person or persons to another person or persons, regardless of the medium by which such communication occurred, including by way of example, emails.
5. The term “document” or “documents” shall be construed in the most comprehensive and inclusive sense permitted by the Federal Rules of Civil Procedure and includes but is not limited to, every writing or record of every type and description that is in the possession, custody or control of you, including but not limited to correspondence (interoffice, intra-office or otherwise), communications, letters, memoranda, notices, confirmations, summaries or records of conversations, voice and sound recordings, films, electronic mail, computer data and any other form of electronic, magnetic, or computerized media, telephone recordings and transcriptions, photographs, notebooks, summaries or reports of physicians or consultants, pamphlets, notes from telephone conversations, agreements, reports, memoranda, studies, summaries, minutes, notes, instructions, manuals, any marginal comments or post-it notes appearing on any documents, and all other written, printed, computerized, computer-stored or maintained, or typed information of any nature whatsoever.
6. Included in the definition of “document” or “documents” as used herein are files, file folders, electronic files, electronic file folders, and any other computerized, computer-stored or maintained files or file folders. Accordingly, produce files and file folders together with the documents they contain.
7. The term “concerning,” “relating to,” “reflecting,” and “referring to” shall mean constituting, evidencing, mentioning, describing, pertaining to, responding to, used or relied upon in preparation of or in conjunction with, or being connected in any way, either directly or indirectly.

8. For purposes of these requests, the use of the singular shall be construed as the use of the plural and *vice versa*; “any” includes “all” and *vice versa*; “each” includes “every” and *vice versa*; and the masculine includes the feminine and *vice versa*.

II. Requests to Produce Documents

1. Please produce copies of Dr. Patterson’s entire school file and records, including but not limited to disciplinary notices and reports, suspension notices and reports, attendance records and tardiness records, awards and honors given or received, documentation of participation in extracurricular activities, documentation of participation in honorary or professional societies, progress reports, meetings and/or conferences held with Dr. Patterson and notes thereof, academic transcripts, SAT scores, ACT scores, MCAT scores, applications, class schedules, book fees, course fees, tuition fees, course evaluations, examination or test results, letters of recommendation, medical school performance evaluation, dental school performance evaluation, and any and all other documentation in Dr. Patterson’s school file.
2. Please produce copies of all documents submitted by Dr. Patterson or on Dr. Patterson’s behalf as part of or in support of his application to your medical school.
3. Please produce copies of all documents submitted by Dr. Patterson or on Dr. Patterson’s behalf as part of or in support of his application to your dental school.
4. Please produce copies of all documents submitted by Dr. Patterson or on Dr. Patterson’s behalf as part of or in support of his application to your college of public health.
5. Please produce copies of Dr. Patterson’s official undergraduate school transcript(s).
6. Please produce copies of Dr. Patterson’s official medical school transcript.
7. Please produce copies of Dr. Patterson’s official dental school transcript.
8. Please produce copies of Dr. Patterson’s official college of public health transcript.
9. Please produce copies of all documents concerning or relating to evaluations of Dr. Patterson’s performance in your medical school, other than his official medical school transcript.
10. Please produce copies of all documents concerning or relating to evaluations of Dr. Patterson’s performance in your dental school, other than his official dental school transcript.

11. Please produce copies of all documents concerning or relating to evaluations of Dr. Patterson's performance in your college of public health, other than his official college of public health transcript.
12. Please produce copies of all documents reflecting Dr. Patterson's scores or test results on any examination taken while attending your medical school, other than classroom examinations.
13. Please produce copies of all documents reflecting Dr. Patterson's scores or test results on any examination taken while attending your dental school, other than classroom examinations.
14. Please produce copies of all documents reflecting Dr. Patterson's scores or test results on any examination taken while attending your college of public health, other than classroom examinations.
15. Please produce all documents and communications between you and Dr. Patterson regarding his academic progress or status, or any deficiencies in his performance at your medical school.
16. Please produce all documents and communications between you and Dr. Patterson regarding his academic progress or status, or any deficiencies in his performance at your dental school.
17. Please produce all documents and communications between you and Dr. Patterson regarding his academic progress or status, or any deficiencies in his performance at your college of public health.
18. Please produce all documents and communications between you and Dr. Patterson regarding any suspension or removal from your medical school for any period of time or any disciplinary or academic issues.
19. Please produce all documents and communications between you and Dr. Patterson regarding any suspension or removal from your dental school for any period of time or any disciplinary or academic issues.
20. Please produce all documents and communications between you and Dr. Patterson regarding any suspension or removal from your college of public health for any period of time or any disciplinary or academic issues.
21. Please produce all documents and communications between you and Dr. Patterson reflecting or referring to any mental health treatment or counseling requested or

received by Dr. Patterson while attending your medical school.

22. Please produce all documents and communications between you and Dr. Patterson reflecting or referring to any mental health treatment or counseling requested or received by Dr. Patterson while attending your dental school.
23. Please produce all documents and communications between you and Dr. Patterson reflecting or referring to any mental health treatment or counseling requested or received by Dr. Patterson while attending your college of public health.
24. Please produce all documents and communications that refer to or relate to Dr. Patterson's performance on any USMLE examination, including but not limited to Step 1, Step 2 CK, and Step 2 CS, or his schedule for taking or scheduling said examinations.
25. Please produce all documents and communications between you and Dr. Patterson regarding any application by Dr. Patterson to any medical residency program, including but not limited to any and all documents you provided to Dr. Patterson and any recommendations or evaluations provided by you.
26. Please produce all documents and communications between you and Dr. Patterson regarding any application by Dr. Patterson to any dental school, including but not limited to any and all documents you provided to Dr. Patterson and any recommendations or evaluations provided by you.
27. Please produce all documents and communications between you and any third parties regarding any application by Dr. Patterson to any medical residency program, including but not limited to any and all documents you provided to any third parties and any recommendations or evaluations provided by you.
28. Please produce all documents and communications between you and any third parties regarding any application by Dr. Patterson to any dental school, including but not limited to any and all documents you provided to any third parties and any recommendations or evaluations provided by you.
29. Please produce all documents and communications between you and Dr. Patterson regarding his graduation from your medical school, including but not limited to his graduation date and class ranking upon graduation.
30. Please produce all documents and communications between you and Dr. Patterson regarding his graduation from your dental school, including but not limited to his graduation date and class ranking upon graduation.

31. Please produce all documents and communications between you and Dr. Patterson regarding his graduation from your college of public health, including but not limited to his graduation date and class ranking upon graduation.
32. Please produce all documents and communications relating to or referring to Dr. Patterson's account and billing information for your medical school, including but not limited to all charges incurred, all payments received, including but not limited to payments for tuition, fees, books, and other miscellaneous campus charges, and any and all information regarding any student loans or other forms of financial aid provided or applied for by Dr. Patterson.
33. Please produce all documents and communications relating to or referring to Dr. Patterson's account and billing information for your dental school, including but not limited to all charges incurred, all payments received, including but not limited to payments for tuition, fees, books, and other miscellaneous campus charges, and any and all information regarding any student loans or other forms of financial aid provided or applied for by Dr. Patterson.
34. Please produce all documents and communications relating to or referring to Dr. Patterson's account and billing information for your college of public health, including but not limited to all charges incurred, all payments received, including but not limited to payments for tuition, fees, books, and other miscellaneous campus charges, and any and all information regarding any student loans or other forms of financial aid provided or applied for by Dr. Patterson.
35. Please produce all documents and communications between you and Dr. Patterson or anyone acting on behalf of Dr. Patterson, or between you and any third party regarding the lawsuit captioned on the Notice of Subpoena attached hereto, or to any claims made by Dr. Patterson in this lawsuit.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) RANDY BLAKE PATTERSON,)	
)	
Plaintiff,)	
v.)	
)	Case No. CIV-2015-1204-HE
(1) NATIONAL BOARD OF MEDICAL)	
EXAMINERS,)	
)	
Defendant.)	

DECLARATION OF AUTHENTICITY

I (name) _____, hereby declare that I am the (title) _____, for The University of Oklahoma Health Sciences Center ("OUHSC"), and that, in that position, I am duly authorized and qualified to make the declarations contained herein.

1. OUHSC has produced copies of the following records (the "Records") in response to a third-party Subpoena that OUHSC received in connection with the above-captioned lawsuit:

(Attach additional pages if necessary)

2. The copies of the Records that OUHSC has produced in response to the Subpoena constitute full, complete, true and correct copies of the Records as maintained by OUHSC.

3. The Records were prepared by OUHSC in the regular course of business at or near the time of the acts, conditions, events or occurrences described in the Records by a person with knowledge or based upon information transmitted by persons knowledgeable of those matters.
4. The Records were kept in the course of OUHSC's regularly conducted business activities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this ____ day of _____, at (City) _____,
(State) _____.

By: _____
(Signature)

(Printed Name)

Title: _____